

REMARKS:

Reconsideration and allowance in view of the following remarks are respectfully requested.

Claims 1-19 are pending in this application.

Applicant notes with appreciation that claims 11-19 are allowed.

Claims 1, 2 and 4-10 stand rejected under the Judicially Created Doctrine of Obviousness-type Double Patenting as being unpatentable over claim 1 of U.S. Patent No. 6,895,601 in view of Whang. Applicant traverses the rejection for the following reasons.

Please note that the present invention and Whang are not commonly owned. Accordingly, it is improper to apply the Judicially Created Doctrine of Obviousness-type Double Patenting rejection for the present application. Withdrawal of the rejection is respectfully requested.

Nonetheless, Applicant will discuss the claimed invention in view of Whang. It is submitted that Whang neither discloses nor suggests all of the features of the claimed invention. In particular, Whang fails to disclose or suggest a headband including a covering portion and a mesh lining tape sewn together with a plurality of stitching lines interwoven in a chain-like pattern, as recited in claim 1. In the Office Action, the Examiner pointed out column 3, lines 15-18 of Whang for this limitation. However, the passages merely describe that polyester mesh can be used. The passages are also moot whether the polyester mesh can be used for a headband.

In the passages in column 4, lines 12-15 of Whang that the Examiner pointed out, they merely state that "the sweatband is composed of an interior core 14 and an exterior shell or layer 15. The interior core 14 may be made of polyester." There is no disclosure in Whang with regard to the limitations in that the headband includes a covering portion and a

mesh lining tape sewn together with a plurality of stitching lines interwoven in a chain-like pattern.

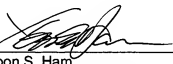
Therefore, Applicant respectfully submits that claim 1 and its dependent claims 2-10 are neither anticipated by Whang nor made obvious over Whang.

Claim 3 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As claim 1 is believed to be allowable, applicant submits that claim 3 should be also allowable.

All objections and rejections having been addressed, it is respectfully submitted that claims 1-19 are now in condition for allowance and a notice to that effect is earnestly solicited. If any issues remain to be resolved, the Examiner is cordially invited to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

MAYER BROWN ROWE & MAW LLP

By: 

Yoon S. Ham
Registration No. 45,307
Direct No. (202) 263-3280

YSH/jr

Intellectual Property Group
1909 K Street, N.W.
Washington, D.C. 20006-1101
(202) 263-3000 Telephone
(202) 263-3300 Facsimile

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